

REMARKS/ARGUMENTS

Numbering of Claims

The Applicant appreciates that the claims were mis-numbered as originally filed, and appreciates that the Office has apparently re-numbered the claims *sua sponte*.

35 USC 101

The Office rejected claims 1-14 as being drawn to the details of a logical packet. The Applicant traverses all of those rejections. Claims 1-14 expressly recite a system, not a packet as suggested by the Office. Moreover, the system includes hardware and software, which are both *per se* statutory subject matter under the Office's own Software Patenting Guidelines (recited in the MPEP at §2106 et seq.). Hardware is clearly a "machine", and software is clearly a "process", which is expressly defined as including "a series of steps or acts to be performed".

The Office rejected claims 13-14 as "not being directed to a practical application." Those rejections are also traversed. The practicality is the claimed systems and methods provide heightened security to data transmission. By splitting up an ordered set of packets so that different packets go to different destination addresses, it is extremely difficult for an unauthorized entity to collect and reconstruct the original set.

35 USC 112

The Office rejected claims 1-12 as reciting a system that lacks any structure. Those rejections are not understood. The system expressly recites hardware and software, and each of which is manifestly a thing (i.e. structure). One would not get very far stealing a computer or software, and then claiming that there was no theft because those items don't exist.

The Office might even have an argument if the claimed elements of "hardware" and "software" were recited in the preamble. But this is clearly not the case; they are recited in the body of the claim.

35 USC §§ 102 and 103

The Office rejected claims 1-10, 13, and 14 as being anticipated by Bellovin (US 2001/0034844), and claims 11 and 12 as being obvious over Bellovin. Here again, the Applicant disagrees with the rejections.

Claim 1 recites that the hardware and software are configured to address different packets of an ordered set of packets, to different destination addresses. Bellovin doesn't do that. Bellovin uses a plurality of addresses to receive a plurality of different data streams, much as one would send different streams to different ports. Nowhere does Bellovin teach, suggest, or motivate one to send different packets of a single stream, (i.e. a single ordered set of packets), to different destination addresses.

Nor is the claimed subject matter at all obvious. The whole basis of a package switched network is that individual packets within an ordered set of packets can be treated independently (i.e., take different routes and travel times to get to a destination), and can still be reassembled back into their original order. Under conventional systems and methods, that strategy only works if all of the packets are sent to the same address. The presently claimed subject matter turns that conventional understanding on its head, by sending different ones of an ordered set of packets to different IP addresses, and then recombining them.

Those distinctions are expressly claimed in both independent claims, 1 and 13, rendering those claims allowable. And in addition to any other reasons, all of the dependent claims are allowable by virtue of their dependency on one of the allowable independent claims.

///

Request For Allowance

Claims 1-14 are pending in this application. The applicant requests allowance of all pending claims.

Respectfully submitted,
Fish & Associates, PC

By 
Robert D. Fish
Reg. No. 33880

Fish & Associates, PC
2603 Main Street, Suite 1050
Irvine, CA 92614-6232
Telephone (949) 253-0944
Fax (949) 253-9069